

REMARKS

This amendment is being filed in response to the Office Action mailed March 9, 2007. In that Office Action, claims 3 and 14 were rejected under 35 U.S.C. § 112 first paragraph and claims 1-18 were rejected on prior art grounds. Claims 1-18 have been canceled and claims 19-29 added. Accordingly, claims 19-29 are pending in the application. The new claims are supported by Applicant's specification as filed, and no new matter has been presented. Three replacement sheets of drawings are also being submitted.

Canceled Claims 1-18

The cancellation of claims 1-18 is without disclaimer of the subject matter thereof and without prejudice to Applicants' right to later submit one or more claims covering the subject matter thereof.

Rejections Under 35 U.S.C. §112

Claims 3 and 14 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Although these claims have been canceled, Applicants note that claims 3 and 14, which comprise a part of the original disclosure of this application, clearly indicate to one skilled in the art that the inventors had in their possession, when the application was filed, the idea to recognize when three failed attempts to transmit an authenticated call had occurred, and then to switch to placing a cleared number call. Moreover, paragraph [0044] of the published application also clearly specifies that a predetermined number of attempts to place the authenticated call can be made, and that this predetermined number can be three. Thus, Applicants submit that the application as filed, provides a proper written description of the subject matter of claims 3 and 14.

Rejections Under 35 U.S.C. §103(a)

Claims 1-3, 5-9, 11-14, and 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mazzara (US Pub. 2003/0087642) in view of Van Bosch (US

Patent No. 6,493,629). The last Office Action also states that claims 1-3, 5-9, 11-14, and 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mazzara and Van Bosch and further in view of Snyder et al. (US Pub 2003/0134631). However, only claims 4, 10, and 15 are discussed in relation to the combination of these three references and it is believed that this second rejection in the Office Action was meant to list only those claims 4, 10, and 15.

Although these rejections are now moot in view of the cancellation of claims 1-18, the relevance of these references to the new claims are discussed below to aid in the examination of claims 19-29.

New Claims 19-29

Independent claim 19 is directed to a method of verifying a vehicle telematics unit in which a cleared number voice call is established following recognition of a failed attempt to establish an authenticated call from a telematics unit to a call center. During the cleared number voice call, a verbal message containing at least one identifier associated with the telematics unit is communicated to the call center. Although Mazzara discloses the use of a cleared number to establish a call in the event that an initial call request fails, it does not teach or suggest establishing the cleared number call as a voice call and then communicating a verbal message that includes an identifier associated with the telematics unit. Rather, as indicated in Mazzara at paragraphs 59-67 in connection with its method of Fig. 3, following a failed call attempt at block 315, the method attempts to place data calls using various retry strategies. See, for example, paragraphs 61, 64, and 67. Thus, not only are these data calls, not voice calls, but there is nothing in Mazzara that discloses or suggests instead placing cleared number voice calls, *and* supplying a call center with a verbal communication that includes an identifier associated with the telematics unit, as recited in claim 19. Nor is this feature disclosed or rendered obvious by Van Bosch, Snyder, or the other prior art of record.

Accordingly, claim 19 patentably defines over the prior art of record. Claims 20-29 each ultimately depend from claim 19 and should be allowed therewith.

Drawing Amendment

The drawing sheets containing Figs. 3, 4, and 6 are being amended to correct typographical errors. In Fig. 3, the text in box S302 is being corrected. In Figs. 4 and 6, the figure legends are being corrected. Other minor changes to lead lines and the like are also being made to improve the neatness of the figures. Approval of these amended figures is requested.

Conclusion

In view of the foregoing, Applicants respectfully submit that all claims are allowable over the prior art and reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,
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